

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TAKEDA PHARMACEUTICALS U.S.A.,
INC.

Plaintiff,

V.

MYLAN PHARMACEUTICALS INC.,

Defendant.

C.A. No. 19-cv-2216-RGA

**MYLAN PHARMACEUTICALS INC.'S RESPONSE TO
PAR PHARMACEUTICAL INC.'S MOTION TO INTERVENE**

On December 2, 2019, Plaintiff Takeda Pharmaceuticals U.S.A., Inc. (“Takeda”) filed its Complaint in this action against Defendant Mylan Pharmaceuticals Inc. (“MPI”). D.I. 2. Three days later, on December 5, 2019, Takeda filed a Motion for a Preliminary Injunction. D.I. 12. On December 20, 2019, non-party Par Pharmaceuticals Inc. (“Par”) filed a Motion to Intervene. D.I. 26. MPI takes no position on Par’s Motion to Intervene to the extent Par seeks to intervene in this action. MPI, however, does object to any undue delay in the briefing and resolution of Takeda’s Motion for a Preliminary Injunction, which is proceeding pursuant to an expedited schedule agreed to by the parties and so-ordered by the Court. D.I. 7, 44. Accordingly, if the Court determines both to grant Par’s Motion to Intervene and to permit Par to participate in briefing on Takeda’s Motion for a Preliminary Injunction, MPI respectfully requests that any participation by Par be pursuant to the terms of the stipulation agreed to between MPI and Par and submitted to the Court on January 6, 2020. D.I. 55. Finally, MPI’s position on Par’s Motion to Intervene is without waiver of any and all defenses MPI may assert with respect to the

allegations and claims in Par's proposed Complaint-in-Intervention, including via motion to dismiss, and in no way constitutes an admission with respect to those allegations and claims.

Dated: January 7, 2020

Respectfully Submitted by:

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